

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JEFFERY A. STALLWORTH

PLAINTIFF

VS.

CIVIL NO.: 3:16-cv-246-CWR-FKB

**GOVERNOR DEWEY PHILLIP “PHIL”
BRYANT, ET AL.**

DEFENDANTS

and

**TONY T. YARBER, Mayor of the City of
Jackson, Mississippi, on behalf of the Citizens
of the City of Jackson, et al.**

PLAINTIFFS

VS.

CIVIL NO.: 3:16-CV-246-CWR-FKB

**PHIL BRYANT, in his official capacity as
governor of the State of Mississippi, et al.**

DEFENDANTS

MOTION TO ENFORCE SUBPOENAS

Plaintiffs, the Jackson Municipal Airport Authority, the Board of Commissioners of the Jackson Municipal Airport Authority (“the JMAA”), and each of the Board members in their official and individual capacities (collectively, “JMAA Plaintiffs”),¹ file this Motion to Enforce Subpoenas² served on March 7, 2017 and April 7, 2017:

1. The JMAA served Mississippi State Senators Josh Harkins, Dean Kirby, Philip Moran, Chris Caughman, Nickey Browning, and John A. Polk, and Mississippi State Representatives Mark Baker and Alex Monsour (collectively, “the Legislators”) with subpoenas seeking the production of various documents.

¹ The following individuals serve as Board members of the JMAA: Dr. Rosie L.T. Pridgen, Rev. James L. Henley, Jr., LaWanda D. Harris, Mr. Vernon W. Hartley, Sr., and Evelyn O. Reed.

² The subpoenas at issue in this Motion can be located at docket entries listed: [130] [131] [132] [133] [134] [135] [136] [137] [205] [206] [207] [208] (collectively, “the Subpoenas”).

Compliance with the subpoenas due on or before March 24, 2017. The individual capacity members of the JMAA Plaintiffs also served Senators Harkins, Kirby, and Caughman and Representative Baker with nearly identical subpoenas on April 7, 2017.

2. With respect to the subpoenas issued by the JMAA,³ the Legislators responded on March 21, 2017, by objecting on grounds that the subpoenas sought documents protected from disclosure by the legislative privilege. The Legislators also objected on grounds that absolute legislative immunity applied to prevent disclosure of any documents related to any state law claims, and that JMAA could not compel production of documents related to the federal claims advanced in Counts VII and VIII because it had not joined those claims.

3. With respect to the subpoenas issued by the individual members of the JMAA Plaintiffs,⁴ Senators Harkins, Kirby, and Caughman and Representative Baker objected on grounds of legislative privilege.

4. On June 27, 2017, the Court held a telephonic conference pursuant to Paragraph 7.F.2. of the [64] Case Management Order related to the Subpoenas. During that conference, it became apparent that the primary issue between the JMAA Plaintiffs and the Legislators surrounded Request Number 3 in the Subpoenas. It also became apparent during the conference that the JMAA Plaintiffs and the Legislators would be unable to resolve the dispute, and thus the Court authorized the JMAA Plaintiffs to file this Motion.

³ See Docket Entries [130] [131] [132] [133] [134] [135] [136] [137].

⁴ See Docket Entries [205] [206] [207] [208].

5. The contemporaneously filed supporting Memorandum explains in detail why the Legislators should be compelled to respond to the Subpoenas. In addition, the JMAA Plaintiffs offer the following exhibits:

Exhibit “1” – Objection to the JMAA’s Subpoenas

Exhibit “2” – Objection to the Individuals’ Subpoenas

Exhibit “3” – Good Faith Declaration

The JMAA Plaintiffs respectfully request an Order compelling the Legislators to comply with the Subpoenas, particularly Request Number 3.

Dated: June 30, 2017.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, *Fred L. Banks, Jr.*, certify that the foregoing document has been filed with the Clerk of Court using the Court's ECF system, which provides service of the foregoing to all counsel of record who have entered an appearance in this case as of the date below.

Date: June 30, 2017.

/s/ Fred L. Banks, Jr.
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